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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 TRION JAMES,

5 Plaintiff,

6 v.

7 22 Cv. 2463 (PGG)

8 PORT AUTHORITY POLICE DEPARTMENT,  
9 et al.,

10 Defendants.

11 Conference

12 -----x  
13 New York, N.Y.  
14 November 3, 2022  
15 11:15 a.m.

16 Before:

17 HON. PAUL G. GARDEPHE,

18 District Judge

19 APPEARANCES

20 BALESTRIERE FARIELLO  
21 Attorneys for Plaintiff  
22 BY: MANDEEP S. MINHAS

23 PORT AUTHORITY LAW DEPARTMENT  
24 Attorneys for Defendants  
25 BY: ANDREW K. RAFALAF

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1 (In open court; case called)

2 THE DEPUTY CLERK: Counsel for plaintiff, please state  
3 your appearance.

4 MR. MINHAS: Good morning, your Honor. Mandeep Minhas  
5 for plaintiff, Trion James.

6 THE DEPUTY CLERK: Counsel for defendant, please state  
7 your appearance.

8 MR. RAFALAF: Andrew Rafalaf, from the Port Authority  
9 Law Department, on behalf of defendants.

10 THE COURT: Good morning.

11 This is a case in which the plaintiff alleges claims  
12 for employment discrimination and retaliation against the Port  
13 Authority and two of its employees.

14 This is essentially a status conference to make sure  
15 that discovery in the case is proceeding appropriately. We  
16 were last together on August 18, 2022. I entered a case  
17 management plan and scheduling order on August 29, 2022. That  
18 order provides for fact discovery to be completed by January  
19 31, 2023. And so given the rather lengthy discovery schedule  
20 that I entered, I wanted to check in with the parties and make  
21 sure that discovery is proceeding appropriately.

22 So from plaintiff's counsel's perspective, is  
23 discovery proceeding properly?

24 MR. MINHAS: Yes, your Honor. The parties exchanged  
25 initial interrogatories and document demands on September 8.

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1 And the parties have also noticed depositions for mid-December.  
2 However, after conferring with my colleague prior to the status  
3 conference, we believe that we can actually get depositions  
4 started in the next three weeks. I had a trial that was  
5 supposed to begin actually this week, but it was adjourned for  
6 the beginning of January. And so my availability to begin  
7 depositions and complete at least three of them I think is very  
8 likely this month.

9 THE COURT: Is there anything defense counsel wishes  
10 to add?

11 MR. RAFALAF: Only that I don't know if you saw this  
12 morning, but counsel finally filed a protective stipulation to  
13 be so ordered by your Honor, which is good because the Port  
14 Authority has already produced about 900 pages of documents.  
15 There is a last tranche of documents which are sensitive,  
16 understandably. And, of course, there are going to be  
17 sensitive documents regarding Mr. James. So we entered into  
18 that and hopefully that will allow for more fruitful production  
19 going forward.

20 THE COURT: Yes. I have your proposed protective  
21 order in front of me and it is my intention to sign it later  
22 today. So it will be up on the docket later today.

23 MR. RAFALAF: I just want to add that we will be  
24 sending plaintiff's counsel a deficiency letter regarding  
25 document discovery responses and interrogatories, but nothing

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1 that I think we need to belabor the Court with today.

2 THE COURT: When I saw you back in August, I did tell  
3 you that I would raise the issue of settlement at today's  
4 conference. Have there been any settlement discussions since  
5 we last spoke back in August?

6 MR. MINHAS: Your Honor, I raised settlement with  
7 opposing counsel yesterday. However, although plaintiffs are  
8 always interested in discussing settlement, we believe it is  
9 too early right now given the phase in discovery. I think with  
10 the depositions complete later this month, at least for  
11 plaintiffs, I think we will be in a better position to discuss  
12 settlement before we appear before your Honor next time.

13 THE COURT: Is there anything that defense counsel  
14 wishes to add on that point?

15 MR. RAFALAF: Nothing, your Honor.

16 Just one matter. We had submitted a HIPAA  
17 authorization to plaintiff's one identified physician, a  
18 psychologist. We did that in August. Despite following up, we  
19 have not received the medical records. Now I called personally  
20 and was told the psychiatrist is out of the office from  
21 November 1 to November 14. So I was just wondering if  
22 plaintiff can just give us the medical records in their  
23 possession so that we can have them prior to the deposition.

24 THE COURT: Is there a request for emotional damages  
25 here?

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1 MR. MINHAS: There is, your Honor, yes.

2 THE COURT: It does seem like this issue needs to be  
3 resolved, and it needs to be resolved before the depositions so  
4 that we can get everything done at one time. So do you have  
5 the medical records that defense counsel is seeking?

6 MR. MINHAS: I have to ask my client, but I see no  
7 issue with obtaining the medical records from the psychiatrist  
8 that opposing counsel just mentioned.

9 THE COURT: I will assume you will get those records  
10 and give them to defense counsel so that he has them in time to  
11 review them and so that the plaintiff's deposition can proceed  
12 without any delay.

13 MR. MINHAS: Yes, your Honor. As early as possible I  
14 will obtain those medical records, and internally I will try to  
15 plan to get them at least by next Wednesday. I can work with  
16 my client as early as today on those.

17 THE COURT: I am going to schedule a conference for  
18 soon after the discovery deadline. So I am going to put it  
19 down for a conference February 2, 2023, at 10 a.m.

20 Is there anything else on behalf of plaintiff?

21 MR. MINHAS: Nothing from plaintiff, your Honor.

22 THE COURT: Anything else on behalf of defendant?

23 MR. RAFALAF: No. Thank you, your Honor.

24 THE COURT: Thank you both. Have a good day.

25 (Adjourned)